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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/724,145

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David Gareth Perry

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EXAMINER

EDWARDS JR, TIMOTHY

ART UNIT

PAPER NUMBER

2612

DATE MAILED: 09/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/724,145	Applicant(s) PERRY ET AL.	
	Examiner Timothy Edwards, Jr.	Art Unit 2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) 4, 11, 13, 14, 16 and 21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-10, 12, 15, 17-20 and 22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed June 29, 2006 have been fully considered but they are not persuasive. Applicant's argument is based on claims as amended. Therefore, Examiner maintains office action dated march 29, 2006.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) The invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-3,5,6,9,10,12,15,17-19 and 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Gristina et al '339.

Considering (amended) claim 1, Gristina discloses a power monitoring service comprising, a) a monitoring unit at each of a plurality of power consumer sites for monitoring power at each site (see paragraph 0068); b) a circuit description table including an identification of at least one electrical load on each monitored power distribution circuit (see paragraphs 0060, and 0084-0085); c) receiving respective power consumption data indicative of power consumption monitored at each site (see

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paragraph 0069); d) analyzing the received power consumption data to compute aggregate power consumption data of a predetermined set of two or more of the plurality of consumer sites (see paragraphs 0053, 0075 and 0094).

Considering (amended) claim 2, Gristina discloses the limitation of this claim (see paragraph 0073).

Considering claim (amended) 3, Gristina discloses the limitation of this claim (see paragraphs 0053, 0070 and 0074).

Considering claim (amended) 5, Gristina discloses the limitation of this claim (see paragraph 0081).

Considering claim (amended) 6, Gristina discloses the limitation of this claim (see paragraphs 0056 and 0060).

Considering (amended) claim 9, Gristina discloses the limitation of this claim (see paragraph 0056).

Considering (amended) claim 10, Gristina discloses the limitation of this claim (see paragraph 0053).

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Considering (amended) claim 12, Gristina discloses the limitation of this claim (see paragraph 0083).

Considering (amended) claim 15, Gristina discloses the limitation of this claim (see paragraphs 0069 and 0097).

Considering (amended) claim 17, Gristina discloses the limitation of this claim (see paragraphs 0062, 0081 and 0094).

Considering (amended) claim 18, Gristina discloses the limitation of this claim (see paragraph 0073).

Considering (amended) claim 19, Gristina discloses the limitation of this claim (see paragraph 0074).

Considering claim 22, Gristina the limitations of this claim are interpreted and rejected as stated in claim 1; except a plurality of probes for monitoring power consumption of individual power distribution circuits of a consumer site (see paragraph 0056 and 0060)

3. Claims 7,8,20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gristina as applied to claim 6 above, and further in view of Bartone et al 868 (previously cited).

Considering (amended) claim 7, Gristina does not specifically recite comparing the power consumption information of the appliance and a power distribution circuit with the aggregate power consumption profile in order to identify actual power consumption differences between the appliance and a mean of power consumption of similar monitored appliance. Gristina teaches monitoring computers and copy machines (see paragraph 0056). Gristina also, teaches individual tenant data is gather and processed at a central data collection and processing device (see paragraph 0069) and analyzing the received power consumption data to compute aggregate power consumption data of a predetermined set of two or more of the plurality of consumer sites (see claim 1, part d). Bartone teaches (see paragraph 0011) analyzing the load profiles of other end users having complimentary and offsetting load profile characteristics. One of ordinary skill in the art would readily recognize the analyzing of load profiles from several end users could include comparing the load profiles of similar monitored appliances. Therefore, it would have been obvious to one of ordinary skill in the art the comparing of power consumption information of similar monitored appliances as taught by Bartone is within the scope of Gristina invention because Gristina discloses sending aggregated data of individual end user (to include appliance data) to be analyzed at a central monitoring location. Barton teaches the central monitoring location for analyzing the load profiles of other end users having complimentary and offsetting load profile characteristics is known in the art.

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Considering (amended) claim 8, Gristina does not specifically recite using information related to power consumption of one appliance over an interval of time, and the aggregate power consumption profile associated with the appliance to identify a fault in the appliance. Bartone teaches (see paragraphs 0039, 0048 and 0053) using the aggregate power consumption profile associated with the appliance to identify a fault in the appliance. Obviousness is as stated in claim 7.

Considering (amended) claim 20 the limitation of this claim is interpreted and rejected as stated in claim 8.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Rodgers '432, Sneeringer '709, Nierlich et al '509, Sick et al '971 and Ransom et al '648 disclose systems for managing and analyzing utility consumption.

Any inquiry concerning this communication should be directed to Examiner Timothy Edwards, Jr. at telephone number (571) 272-3067. The examiner can normally be reached on Monday-Thursday, 8:00 a.m.-6:00 p.m. The examiner cannot be reached on Fridays.

If attempt to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber, can be reached at (571) 272-7308.

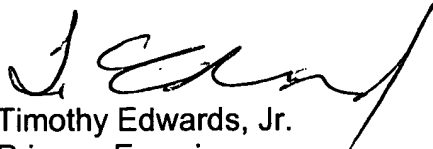
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Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-4700, Mon-Fri., 8:30 a.m.-5:00 p.m.

Any response to this action should be fax to:

(571) 273-8300 (for formal communications intended for entry).

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov> or contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Timothy Edwards, Jr.
Primary Examiner
September 17, 2006